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3 UNITED STATES DISTRICT COURT

## 4 DISTRICT OF NEVADA

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6 FERNANDO NAVARRO HERNANDEZ,

Case No. 3:09-cv-00545-MMD-CSD

7 Petitioner,

ORDER

8 v.

9 JOHN HENLEY, *et al.*,10 Respondents.  
11

12 In this capital habeas corpus action, the Court ordered the parties to file  
13 supplemental briefing—an amended answer by Respondents, an amended reply by  
14 Petitioner Fernando Navarro Hernandez, and a response to the amended reply by  
15 Respondents—in the wake of the Supreme Court’s decision in *Shinn v. Ramirez*, 596  
16 U.S. 366 (2022). (ECF No. 307.) Respondents filed an amended answer on March 17,  
17 2023. (ECF No. 317.) Hernandez filed his amended reply on August 14, 2023. (ECF No.  
18 322.) On August 14, 2023, Hernandez also filed a motion for leave to conduct discovery  
19 (ECF No. 324), and a motion for evidentiary hearing (ECF No. 325). After a 30-day initial  
20 period, and further extensions of time of 44, 74, 59 and 90 days, Respondents were to  
21 respond to Hernandez’s amended reply, motion for leave to conduct discovery and motion  
22 for evidentiary hearing by June 6, 2024. (ECF Nos. 94, 327, 330, 332, 335.)

23 On June 6, 2024, Respondents filed another motion for extension of time (ECF No.  
24 338), requesting a further 60-day extension, to August 5, 2024. Respondents’ counsel  
25 states that this extension of time is necessary because of obligations in other cases, time  
26 away from work, and a staffing shortage at the office of the Nevada Attorney General.  
27 Respondents’ counsel states that Hernandez, who is represented by appointed counsel,  
28 does not oppose the motion for extension of time.

1 The Court finds that Respondents' motion for extension of time is made in good  
2 faith and not solely for the purpose of delay, and that there is good cause for an extension  
3 of time. However, the Court also finds that the time it is taking for these filings is excessive.  
4 The Court will grant Respondents a 35-day extension, to July 11, 2024, instead of the 60-  
5 day extension requested, and the Court will not look favorably upon any motion to further  
6 extend this deadline.

7 It is therefore ordered that Respondents' Motion for Enlargement of Time (ECF No.  
8 338) is granted in part and denied in part. Respondents will have until July 11, 2024, to  
9 file their responses to Petitioner's amended reply, motion for leave to conduct discovery  
10 and motion for evidentiary hearing. In all other respects, the schedule for further  
11 proceedings set forth in the order entered February 20, 2015 (ECF No. 94) will remain in  
12 effect.

13 DATED THIS 11<sup>th</sup> Day of June 2024.

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16 MIRANDA M. DU  
17 CHIEF UNITED STATES DISTRICT JUDGE  
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